

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kevin A. Osborn,) No. CV-08-02193-PHX-ROS (JRI)
Plaintiff,)
vs.) **ORDER**
Ivan Bartos, et al.,)
Defendants.)

Pending before the Court is Magistrate Judge Jay R. Irwin's Report and Recommendation, which was filed on April 28, 2010. (Doc. 143) Magistrate Judge Irwin recommends Defendant Marten be dismissed for failure to effect service.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 USC § 636(b). Where any party has filed timely objections to the magistrate judge’s report and recommendations, the district court’s review of the part objected to is to be *de novo*. *Id.*; see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, but not otherwise.”) (internal quotations and citations omitted).

No objections being made, the Court will adopt the Report and Recommendation in full.

1 Accordingly,

2 **IT IS ORDERED** the Report and Recommendation is (Doc. 143) **IS ADOPTED**
3 and Defendant Marten **IS DISMISSED**.

4 DATED this 8th day of September, 2010.

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United States District Judge